

Union Calendar No. 51

108TH CONGRESS
1ST SESSION

H. R. 1416

[Report No. 108–104]

To make technical corrections to the Homeland Security Act of 2002.

IN THE HOUSE OF REPRESENTATIVES

MARCH 25, 2003

Mr. COX introduced the following bill; which was referred to the Select
Committee on Homeland Security

MAY 15, 2003

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on March 25, 2003]

A BILL

To make technical corrections to the Homeland Security
Act of 2002.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 **SECTION 1. SHORT TITLE.**
- 4 *This Act may be cited as the “Homeland Security*
- 5 *Technical Corrections Act of 2003”.*

1 **SEC. 2. TECHNICAL CORRECTIONS RELATING TO CRITICAL**
 2 **INFRASTRUCTURE INFORMATION.**

3 *Section 212(3) of the Homeland Security Act of 2002*
 4 *(Public Law 107–296; 6 U.S.C. 131(3)) is amended by*
 5 *striking “systems—” and inserting “systems insofar as*
 6 *such information pertains to—”.*

7 **SEC. 3. VISA ISSUANCE.**

8 *Section 428(a) of the Homeland Security Act of 2002*
 9 *(Public Law 107–296; 6 U.S.C. 236(a)) is amended—*
 10 *(1) by striking “subsection,” and inserting “sec-*
 11 *tion,”; and*
 12 *(2) by striking “office” and inserting “officer”.*

13 **SEC. 4. RESPONSIBILITIES OF UNDER SECRETARY FOR**
 14 **EMERGENCY PREPAREDNESS AND RESPONSE.**

15 *Section 502 of the Homeland Security Act of 2002*
 16 *(Public Law 107–296; 6 U.S.C. 312) is amended by striking*
 17 *“shall include—” and inserting “shall be responsible*
 18 *for—”.*

19 **SEC. 5. MILITARY ACTIVITIES OF THE COAST GUARD.**

20 *Section 876 of the Homeland Security Act of 2002*
 21 *(Public Law 107–296; 6 U.S.C. 456) is amended to read*
 22 *as follows:*

23 **“SEC. 876. MILITARY ACTIVITIES.**

24 *“Nothing in this Act confers on the Secretary any au-*
 25 *thority over warfighting, the military defense of the United*
 26 *States, or other military activities that are authorized to*

1 *be directed by the Secretary of Defense. This Act shall not*
 2 *be construed to limit the existing authority of the Secretary*
 3 *of Defense over warfighting, the military defense of the*
 4 *United States, or other military activities, including such*
 5 *activities of the Coast Guard when it is operating as a serv-*
 6 *ice in the Navy under section 3 of title 14, United States*
 7 *Code.”.*

8 ***SEC. 6. ANNUAL INDEPENDENT EVALUATION OF INFORMA-***
 9 ***TION SECURITY PROGRAM AND PRACTICES***
 10 ***OF AGENCIES.***

11 *Section 3535(b)(1) of title 44, United States Code, is*
 12 *amended by inserting “or any other law” after “the Inspec-*
 13 *tor General Act of 1978”.*

14 ***SEC. 7. IMMIGRATION-RELATED POWERS AND DUTIES OF***
 15 ***THE SECRETARY AND THE ATTORNEY GEN-***
 16 ***ERAL.***

17 *(a) IN GENERAL.—Section 1102 of the Homeland Se-*
 18 *curity Act of 2002 (Public Law 107–296; 116 Stat. 2273)*
 19 *is amended—*

20 *(1) in the matter preceding paragraph (1), by*
 21 *striking “as amended by this Act, is further amended*
 22 *by—”; and inserting “is amended—”;*

23 *(2) by amending paragraph (1) to read as fol-*
 24 *lows:*

1 “(1) by amending the section heading to read as
2 follows:

3 ‘*POWERS AND DUTIES OF THE SECRETARY OF HOMELAND
4 SECURITY AND THE ATTORNEY GENERAL*’”;

5 (3) by amending paragraph (2)(D) to read as
6 follows:

7 “(D) by redesignating the paragraph (8)
8 added by section 372(3) of the *Illegal Immigra-
9 tion Reform and Immigrant Responsibility Act
10 of 1996*, and the paragraph (9) added by section
11 373 of such Act, as paragraphs (10) and (11),
12 respectively; and”;

13 (4) in the matter added by paragraph (3)—

14 (A) by striking “the *Immigration Reform,
15 Accountability and Security Enhancement Act of
16 2002.*” and inserting “the *Homeland Security
17 Act of 2002.*”; and

18 (B) by striking “this section” and inserting
19 “this subsection”.

20 (b) *CONFORMING AMENDMENTS TO IMMIGRATION AND
21 NATIONALITY ACT.*—

22 (1) *SECTION 103.*—Section 103 of the *Immigra-
23 tion and Nationality Act (8 U.S.C. 1103)* is amend-
24 ed—

25 (A) in subsection (a)—

26 (i) in paragraph (2)—

1 (I) by striking “He” and insert-
2 ing “The Secretary of Homeland Secu-
3 rity”; and

4 (II) by striking “of the Service.”
5 and inserting “of the Department of
6 Homeland Security relating to the
7 powers, functions, and duties conferred
8 upon the Secretary by this Act and all
9 other laws relating to the immigration
10 and naturalization of aliens.”;

11 (ii) in paragraph (3)—

12 (I) by striking “He” and insert-
13 ing “The Secretary of Homeland Secu-
14 rity”;

15 (II) by striking “he deems” and
16 inserting “the Secretary deems”; and

17 (III) by striking “his authority”
18 and inserting “the Secretary’s author-
19 ity”;

20 (iii) in paragraph (4)—

21 (I) by striking “He” and insert-
22 ing “Except as otherwise provided by
23 law, the Secretary of Homeland Secu-
24 rity”;

1 (II) by striking “the Service or
2 the Department of Justice” and insert-
3 ing “the Department of Homeland Se-
4 curity”; and

5 (III) by striking “employee of the
6 Service.” and inserting “employee of
7 the Department.”;

8 (iv) in paragraph (5)—

9 (I) by striking “He” and insert-
10 ing “Except as otherwise provided by
11 law, the Secretary of Homeland Secu-
12 rity”;

13 (II) by striking “in his discre-
14 tion,” and inserting “in the Sec-
15 retary’s discretion,”; and

16 (III) by striking “such number of
17 employees of the Service as to him
18 shall appear necessary and proper.”
19 and inserting “such number of employ-
20 ees of the Department of Homeland Se-
21 curity as shall appear necessary and
22 proper to the Secretary.”;

23 (v) in paragraph (6)—

1 (I) by striking “He” and insert-
2 ing “The Secretary of Homeland Secu-
3 rity”; and

4 (II) by striking “of the Service.”
5 and inserting “of the Department of
6 Homeland Security.”;

7 (vi) in paragraph (7)—

8 (I) by striking “He” and insert-
9 ing “The Secretary of Homeland Secu-
10 rity”;

11 (II) by striking “of the Service”
12 each place such term appears and in-
13 serting “of the Department of Home-
14 land Security”;

15 (III) by striking “he may,” and
16 inserting “the Secretary of Homeland
17 Security may,”; and

18 (IV) by striking “in his judg-
19 ment” and inserting “in the Sec-
20 retary’s judgment”;

21 (vii) in paragraph (8), by striking
22 “Attorney General” and inserting “Sec-
23 retary of Homeland Security”;

(viii) in paragraph (10) (as redesignated by section 1102 of the Homeland Security Act of 2002)—

(I) by striking “Attorney General” each place such term appears and inserting “Secretary of Homeland Security”; and

(II) by striking “of the Service.” and inserting “of the Department.”; and

(ix) in paragraph (11) (as so redesignated)—

(I) by striking “Attorney General” and inserting “Secretary of Homeland Security”; and

(II) by striking “by the Service” each place such term appears and inserting “by the Department”;

(B) in subsection (b), by striking “Attorney General” each place such term appears and inserting “Secretary of Homeland Security”;

(C) by amending subsection (c) to read as follows:

“(c) The Secretary of Homeland Security may enter into cooperative agreements with State and local law en-

1 *forcement agencies for the purpose of assisting in the en-*
 2 *forcement of the immigration laws.”;*

3 *(D) in subsection (d), by striking “The*
 4 *Commissioner,” and inserting “The Secretary of*
 5 *Homeland Security,”;*

6 *(E) in subsection (e)—*

7 *(i) by striking “The Commissioner”*
 8 *and inserting “The Secretary of Homeland*
 9 *Security”;* and

10 *(ii) by striking “district office of the*
 11 *Service” and inserting “field office of the*
 12 *Department of Homeland Security”;* and

13 *(F) in subsection (f)—*

14 *(i) by striking “Attorney General” and*
 15 *inserting “Secretary of Homeland Secu-*
 16 *rity”;*

17 *(ii) by striking “of the Immigration*
 18 *and Naturalization Service” and inserting*
 19 *“of the Directorate of Border and Transpor-*
 20 *tation Security of the Department of Home-*
 21 *land Security”;* and

22 *(iii) by striking “the functions of the*
 23 *Service,” and inserting “the functions of the*
 24 *Directorate,”.*

1 (2) *SECTION 287(g).*—*Section 287(g) of the Im-*
 2 *migration and Nationality Act (8 U.S.C. 1357(g)) is*
 3 *amended by striking “Attorney General” each place*
 4 *such term appears and inserting “Secretary of Home-*
 5 *land Security”.*

6 (c) *CLERICAL AMENDMENTS.*—

7 (1) *HOMELAND SECURITY ACT.*—*The table of*
 8 *contents in section 1(b) of the Homeland Security Act*
 9 *of 2002 (Public Law 107–296; 116 Stat. 2135) is*
 10 *amended by inserting after the item relating to sec-*
 11 *tion 1103 the following:*

“Sec. 1104. *Effective date.*”.

12 (2) *IMMIGRATION AND NATIONALITY ACT.*—*The*
 13 *table of contents of the Immigration and Nationality*
 14 *Act is amended by amending the item relating to sec-*
 15 *tion 103 to read as follows:*

“Sec. 103. *Powers and duties of the Secretary of Homeland Security and the At-*
torney General.”.

16 (d) *CONSTRUCTION.*—*The amendments made by this*
 17 *section shall not be construed to repeal or limit the applica-*
 18 *bility of section 456, 462(e), 1512(d), or 1517 of the Home-*
 19 *land Security Act of 2002, or any other similar provision*
 20 *pertaining to the treatment of references in law, to any pro-*
 21 *vision of law that is not amended by this section.*

1 **SEC. 8. EFFECTIVE DATE OF MODIFICATIONS TO REORGA-**
2 **NIZATION PLAN.**

3 *Section 1502(d) of the Homeland Security Act of 2002*
4 *(Public Law 107–296; 6 U.S.C. 542(d)) is amended by*
5 *striking “subsection (d)” each place it appears and insert-*
6 *ing “subsection (c)”.*

7 **SEC. 9. REPORT ON WAR RISK INSURANCE FOR AIR CAR-**
8 **RIERS.**

9 *Section 1204 of the Homeland Security Act of 2002*
10 *(116 Stat. 2287) is amended—*

11 *(1) by redesignating subparagraphs (A) through*
12 *(C) as paragraphs (1) through (3), respectively, and*
13 *by moving the text of such paragraphs 2 ems to the*
14 *left;*

15 *(2) in the matter preceding paragraph (1) (as so*
16 *redesignated) by striking “Secretary” and inserting*
17 *“Secretary of Transportation”; and*

18 *(3) in paragraph (3) (as so redesignated) by*
19 *striking “Department” and inserting “Department of*
20 *Transportation”.*

21 **SEC. 10. AUTHORITY TO ARM FLIGHT DECK CREW WITH**
22 **LESS-THAN-LETHAL WEAPONS.**

23 *Section 1405(a) of the Homeland Security Act of 2002*
24 *(116 Stat. 2307) is amended by striking “section 6 of this*
25 *Act” and inserting “section 1406 of this Act”.*

1 **SEC. 11. REQUIREMENT TO SUBMIT REPORTS AND NOTIFI-**
 2 **CATIONS TO SELECT COMMITTEE.**

3 *The Homeland Security Act of 2002 (Public Law 107–*
 4 *296) is amended by inserting after section 4 the following:*

5 **“SEC. 5. REQUIREMENT TO SUBMIT REPORTS AND NOTIFI-**
 6 **CATIONS TO SELECT COMMITTEE ON HOME-**
 7 **LAND SECURITY.**

8 *“In any case in which a report or notification is re-*
 9 *quired by this Act or an amendment made by this Act to*
 10 *be submitted to the Congress or to a Committee of the Con-*
 11 *gress, such report shall also be submitted to the Select Com-*
 12 *mittee on Homeland Security of the House of Representa-*
 13 *tives.”.*

14 **SEC. 12. CLARIFICATION OF REPORTING REQUIREMENT**
 15 **CONCERNING ELECTRONIC COMMUNICA-**
 16 **TIONS PRIVACY ACT EMERGENCY DISCLO-**
 17 **SURE EXCEPTION.**

18 *Section 225(d)(2) of the Homeland Security Act of*
 19 *2002 (Public Law 107–296; 116 Stat. 2157) is amended*
 20 *by striking “2702(b) of title 18, United States Code,” and*
 21 *inserting “2702(b)(7) of title 18, United States Code (as*
 22 *added by paragraph (1)(D)),”.*

23 **SEC. 13. EFFECTIVE DATE.**

24 *The amendments made by this Act shall take effect as*
 25 *if included in the enactment of the Homeland Security Act*
 26 *of 2002 (Public Law 107–296).*

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